

In The Matter Of:

Saundra S. Russell v.

City of Philadelphia

COPY

Officer Eric F. Dial

May 2, 2014

Dynamic Reporting, LLC

10 Alberta Court, Sewell, NJ 08080

Two Penn Center, Suite 1850

1500 JFK Blvd, Philadelphia, PA 19102

215-880-1517

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Min-U-Script® with Word Index

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- - -
(By agreement of counsel,
the reading, signing, sealing,
filing and certification are
waived; and all objections, except
as to the form of questions, are
reserved until the time of trial.)
- - -

OFFICER ERIC F. DIAL,
after having been duly sworn, was
examined and testified as follows:
- - -

DIRECT EXAMINATION
- - -

BY MR. McDUFFY:
Q. Good morning, Mr. Dial.
A. Good morning.
Q. My name is Herb McDuffy. I'm a
lawyer. I represent the plaintiffs in this
action, Sandra Russell and Keith Sadowski
and William Campbell against the City of
Philadelphia and some other defendants.
Today we're here to take your deposition in
this matter.

1 Have you ever been deposed before?

2 A. Yes.

3 Q. Okay. How long has it been since
4 you were deposed?

5 A. Years.

6 Q. Okay. So I'm just going to go over
7 some ground rules here.

8 First of all, as you know, you are
9 under oath. You have to tell the truth.

10 And we have a court reporter here,
11 so I'd ask that you speak clearly. And
12 when you answer the question, that you say
13 the answer, not just nod your head or
14 mumble or say "uh-huh" or "uh-uh."

15 Those kinds of things that we
16 normally use are not good for her because
17 she has to write your testimony down.
18 We're going to use it later on and it has
19 the same power as if you were in court.

20 Do you understand so far?

21 A. Yes.

22 Q. Okay. I'd ask you to only answer
23 if you know the answer to a question. If
24 you don't know, it's okay to say, "I don't

1 know."

2 Don't guess, all right?

3 A. Okay.

4 Q. But if you do answer the question,
5 I will assume you understood the question.
6 So if you have a problem and you don't
7 understand something, just ask me to
8 clarify. I'll rephrase the question, okay?

9 A. Sure.

10 Q. Okay. You can talk to Ms. Shields
11 whenever you want to. Just say "I need to
12 talk to my lawyer," that's fine. I just
13 ask that you answer any questions that are
14 on the table before you take a break and
15 before you leave the room.

16 A. Okay.

17 Q. Good so far?

18 A. Yes.

19 Q. Are you under any kind of
20 medication --

21 A. Yes.

22 Q. -- that would prevent you from
23 answering the questions that are asked of
24 you today?

1 A. No.

2 Q. What medications are you on?

3 A. Multiple. I have cancer.

4 Q. Okay. Very good. All right.

5 Do you have any questions of me
6 before we start?

7 A. No.

8 Q. I'm going to ask some background
9 information.

10 Where were you born?

11 A. Philadelphia.

12 Q. Where do you live now?

13 A. Somerton, Philadelphia.

14 Q. Okay. Is your family still here
15 with you?

16 A. Yes.

17 Q. Okay. Are your parents still
18 living?

19 A. Yes.

20 Q. Okay. Do you have a family, wife
21 and children, that kind of thing?

22 A. Yes.

23 Q. Okay. How many children do you
24 have?

1 A. A son who is 18 and a stepson who
2 is 14.

3 Q. Okay. And you went to school in
4 Philadelphia, right?

5 A. Yes.

6 Q. And where did you go to high
7 school?

8 A. Mastbaum.

9 Q. Okay. What year did you graduate?

10 A. In '94.

11 Q. Where did you work after you
12 graduated from high school?

13 A. I worked several jobs. I worked at
14 a printing company. I worked at a food
15 distributing company. And I worked
16 at -- right from the distributing company,
17 I came on the police department in '98.

18 Q. All right. Why did you leave the
19 printing company?

20 A. Better pay.

21 Q. Okay. And where was it?

22 A. It was in Pennsauken, New Jersey.

23 Q. Okay. Do you remember the name of
24 the place?

1 A. Innovation -- I'm sorry, of the
2 printing company?

3 Q. Yes.

4 A. The printing company actually was
5 on Byberry Road. That was in Philadelphia.
6 It was Innovation Printing.

7 Q. Okay. And what about the food
8 company?

9 A. The food company was in Pennsauken.

10 Q. Okay. And why did you leave there?

11 A. That was better pay as well.

12 Q. Okay. How long did you work for
13 the food company?

14 A. The food company, maybe a year and
15 a half, two years.

16 Q. Okay. And when did you -- you said
17 your next job was at the police department?

18 A. Yes.

19 Q. What year was that?

20 A. In '98. February 9, '98 is when I
21 came on.

22 Q. And is that when you went to the
23 police academy?

24 A. Yes. That's the day I started.

1 Q. Okay. And how long was the police
2 academy?

3 A. Six months.

4 Q. How long have you been a cop?

5 A. Sixteen years.

6 Q. Okay. What are your present duties
7 at the police department?

8 A. Instructor at the police academy.

9 Q. Okay. What do you do there? What
10 do you teach?

11 A. I teach recruits. I'm an eval
12 instructor, as well as multiple other
13 classes that -- to become a police officer.

14 Q. Okay. And how long have you been
15 doing that?

16 A. A little over three years.

17 Q. Okay. And what did you do before
18 that?

19 A. I was in the second district,
20 patrol.

21 Q. What did you do there?

22 A. Regular patrol.

23 Q. Okay. And where is the 2nd
24 District?

1 A. Northeast Philly.

2 Q. And what about before the 2nd
3 District?

4 A. I was at the 17th. I was there for
5 18 months.

6 Q. Okay. What did you do at the 17th?

7 A. Narcotics control.

8 Q. Okay. And why did you leave the
9 17th and go to the 2nd?

10 A. I had to transfer in, and I was in
11 a shooting and they transferred me out to
12 the 2nd District.

13 Q. Okay. And why did you leave the
14 2nd to go to the police academy?

15 A. I got cancer.

16 Q. All right. Now, you said before
17 the 17th.

18 I'm going to ask you, where were
19 you working before the 17th?

20 A. That's Narcotics Strike Force.

21 Q. And where is that headquarters?

22 A. At Bridge -- Bridge and -- at
23 Frankford Arsenal.

24 Q. Okay. The old Frankford Arsenal --

1 A. Yes.

2 Q. -- the old Army place?

3 A. Yes.

4 Q. And how long were you in the
5 Narcotics Strike Force?

6 A. About eight years.

7 Q. Okay. And what years did they
8 span?

9 A. I think for about 2000 to 2008. I
10 got reassigned in March 2008 to the 17th.

11 Q. Okay. And why did you get
12 reassigned?

13 A. Disciplinary actions.

14 Q. And what discipline was that?

15 A. Conduct undercover. There were
16 several different things by the police
17 commissioner.

18 Q. Okay. And what caused you to be
19 charged with conduct undercover?

20 A. I don't know.

21 Q. Okay. We'll come back to that one.

22 A. Sure.

23 Q. All right. You get any citations
24 while you've been a police officer?

1 A. Yes.

2 Q. Name them.

3 A. Several merits, several mandatory
4 citations. I got one from the state
5 representative, actually two from the state
6 representative, I think three from the
7 mayor's office, a few others that I can't
8 name off the top of my head.

9 Q. Okay. And you said you've been
10 disciplined at least once.

11 Any other times you've been
12 disciplined besides the one that you just
13 mentioned that caused you to get
14 transferred from the Narcotics Strike
15 Force?

16 A. In 2005, there was a -- I got a
17 reprimand.

18 Q. What was that for?

19 A. A case involving Sergeant Russell
20 at the time.

21 Q. All right. Do you remember what
22 happened?

23 A. Allegations that she said I called
24 her a name or something like that.

1 Q. All right. Do you know the
2 plaintiffs that are involved in this case?

3 A. Yes, I do.

4 Q. Okay. So you know Lieutenant
5 Russell, former Lieutenant Russell?

6 A. Yes.

7 Q. And you know Keith Sadowski?

8 A. Yes.

9 Q. And you know William Campbell? We
10 call him Billy Campbell.

11 A. Yes, we all work --

12 Q. How do you know him?

13 A. We all work together.

14 Q. Where did you work together?

15 A. The strike force.

16 Q. Okay. How long have you known
17 Billy Campbell?

18 A. Since I went to the strike
19 force -- or I guess we lost strings now,
20 since I left the strike force.

21 Q. Right.

22 A. I've known Officer Sadowski, Keith,
23 before. We actually went to high school
24 together.

1 Q. Okay. Describe your relationship
2 with Keith Sadowski.

3 A. We grew up together, went to high
4 school together. Pretty much friends, you
5 know, we -- I guess, you grow apart and
6 then come together, you know, throughout
7 the years but more apart now.

8 Q. All right. As a police officer,
9 did you ever socialize with Keith?

10 A. Yes, sir.

11 Q. Can you describe some of the
12 incidents that you socialized with him?

13 A. Just going out to bars
14 occasionally.

15 Q. That's it?

16 A. That I can think of offhand. I
17 mean, we socialized, talked on the phone,
18 text messages.

19 Q. Did you ever go to his house?

20 A. Yes, I've been to his house a
21 couple of times.

22 Q. Did you ever go and ride
23 motorcycles with him?

24 A. No. He don't ride motorcycles, not

1 that I know of.

2 Q. You go to his wedding?

3 A. That I can't recall, honestly.

4 Q. Okay. I believe you mentioned that
5 you're not as close with Keith as you were
6 before.

7 Is that fair to say?

8 A. Correct.

9 Q. What caused the problem with your
10 friendship?

11 A. I guess we grew apart ever since
12 him testifying against me in 2005 -- or
13 2006, I'm sorry.

14 Q. Okay. Tell me about that. What
15 happened?

16 A. He testified against me in that
17 case Sandra Russell had against me making
18 that, I guess, rude comments to her or
19 supposedly made rude comments to her. It
20 just didn't sit well with me.

21 Q. Okay. Why didn't it sit well with
22 you?

23 A. I don't know why he would do such a
24 thing. And I was always brought up with,

1 you know, cops don't testify against other
2 cops.

3 I don't know if you were ever a
4 cop, sir, but you just don't do that, and I
5 felt that it wasn't right.

6 Q. Okay. Do you remember the incident
7 that occurred between you and Lieutenant
8 Russell?

9 A. Absolutely.

10 Q. Tell me what happened.

11 A. Do you want me to start from the
12 very beginning?

13 Q. Yes.

14 A. It actually started the day before
15 the conversation we had in the
16 lieutenant -- at the lieutenant's office
17 between myself, her, and at the time it was
18 Lieutenant Smith, who is Captain Smith
19 right now. The day before -- it was
20 actually in the parking lot outside of our
21 headquarters and myself and another
22 officer, Officer Bochmayer, at the time.

23 We were having a conversation and
24 we were actually sitting on a warrant for a

1 vehicle at the time waiting for the narc to
2 come through to search the vehicle for
3 narcotics, drugs and anything else that was
4 inside the vehicle.

5 Sergeant Russell at the time
6 approached us. We had a little
7 conversation. I'm not sure exactly what it
8 was it about, but she informed me that for
9 the next day, which was Saturday, our last
10 day of our tour, for myself, not to hit the
11 street until I finished making corrections
12 on paperwork, which is a 7549, which we
13 have to produce for discovery for the
14 District Attorney's Office, for myself not
15 to hit the street until she sees it and
16 approves it and approves the corrections
17 that I make and then I can hit the street.

18 So the next morning, I come in
19 early and I do the corrections and I'm
20 waiting for her inside the
21 corporal/sergeant's office. Time goes by,
22 maybe a couple of hours, and another
23 sergeant comes in and what I'm doing inside
24 the office, why I'm not on the street. So

1 I told him the same thing; I was informed
2 not to hit the street until Sergeant
3 Russell approves my corrections and I can
4 hit the street and for me not to hit the
5 street.

6 And I asked him where -- is
7 Sergeant Russell coming in, if she was in
8 yet, and he informed me that she was
9 actually already out in the street. She
10 was running late for the day.

11 So then -- and at that time, I was
12 actually on bike patrol for that day. So I
13 think I grabbed my bike, found the vehicle,
14 put the bike on the vehicle and then headed
15 out to East Division in the 24th. And I
16 believe I met up with them on Kensington
17 Ave. I don't remember the cross street,
18 but I do remember it was Kensington Avenue,
19 if I'm not mistaken.

20 And I told her that, you know, I
21 made the corrections and that she can
22 approve it later on this afternoon when we
23 get inside. So she told me to ride with
24 another vehicle, take my bike to the

1 firehouse, which was a couple of blocks
2 away from the location we were at on
3 Kensington Ave.

4 THE WITNESS: I'm sorry,
5 am I going too quick, ma'am?

6 THE REPORTER: No.

7 THE WITNESS: Okay. And
8 so the officer met me up at the
9 firehouse. We decided that, you
10 know, it was late in the afternoon
11 so we would grab lunch because
12 I -- we didn't eat breakfast, or I
13 didn't eat breakfast myself.

14 So we proceeded to Erie.
15 I think it was F and Erie, if I'm
16 not mistake. There's a little
17 diner across the street called
18 Amici's. I don't know if it's
19 still there. I believe they closed
20 it down. But we went to the pizza
21 shop, had our lunch, and then
22 decided to head back out on the
23 street to ride our bikes, at which
24 time, I got a phone call for

1 another fellow officer who had a
2 flat tire on her bike and she asked
3 if I could pick her up and take her
4 back because she had no equipment
5 to change her tire.

6 So we started making our
7 way over to -- I forget what the
8 location was where she was at. And
9 so we started making our way over
10 to that location, at which time, I
11 had another phone call from the
12 same officer stating that she -- an
13 off-duty cop that, you know, she
14 said that she knew from her husband
15 picked her up and transported her
16 back to our headquarters on -- at
17 the Arsenal.

18 So by the time everything
19 transpired it was later in the day
20 closer to us reporting that we made
21 ourselves to the headquarters. And
22 while in our little meeting there
23 we have our computers where
24 everybody does their paperwork and

1 stuff on the computer, and we were
2 just, you know, having a
3 conversation with other
4 officers -- I don't know who was
5 there -- and then Sergeant Russell
6 came in and said she needed to
7 speak to me in the lieutenant's
8 office.

9 So I went in the
10 lieutenant's at that time.
11 Lieutenant Smith, at the time, he
12 was inside there. She wanted to
13 have a conversation in front of the
14 lieutenant. At which time she
15 informed me that, you know, I
16 disobeyed a direct order,
17 basically, because, you know, I
18 didn't -- I wasn't out in the
19 street.

20 She said I was dodging my
21 job not wanting to ride the bikes
22 because I didn't feel like riding a
23 bike and that was it. She said she
24 was, basically, finished talking to

1 me. I left the office and I went
2 home.

3 BY MR. McDUFFY:

4 Q. Okay. That was it?

5 A. Yes, sir.

6 Q. Did you say any words to her before
7 you -- when you left?

8 A. No.

9 Q. Did you mumble any words when you
10 left?

11 A. No.

12 Q. Okay. And this is the incident
13 that Keith and Billy testified against you
14 about?

15 A. Yes, sir.

16 Q. Okay. What did they say?

17 MS. SHIELDS: What did who
18 say?

19 BY MR. McDUFFY:

20 Q. What did Keith say about you about
21 your interaction with Ms. Russell?

22 A. I don't know what Keith said about
23 me. If I can read whatever he said from
24 the PBI, I could tell you. I don't

1 remember off the back of my head what he
2 said.

3 Q. All right. But that was enough to
4 destroy your friendship?

5 A. Testifying against me?

6 Q. Yes.

7 A. Absolutely.

8 Q. All right. And do you remember
9 what Billy said about you?

10 MS. SHIELDS: In what
11 context?

12 BY MR. McDUFFY:

13 Q. In context of your interaction with
14 Lieutenant Russell?

15 A. I'm guessing both --

16 MS. SHIELDS: I don't want
17 you to guess. Only if you know.

18 THE WITNESS: I don't
19 know.

20 BY MR. McDUFFY:

21 Q. You don't know?

22 A. (Indicating.)

23 Q. Okay. Did that fracture your
24 friendship with Billy too?

1 A. Absolutely. Testifying against me,
2 yes.

3 Q. Okay. And tell me why it's bad for
4 a cop to testify against another cop.

5 A. It's just something you just don't
6 do.

7 Q. Why?

8 A. If you're not a cop, you wouldn't
9 understand it.

10 Q. Try me.

11 A. Try you?

12 Q. Yeah, try me. Do the best you can.

13 A. You just don't testify against
14 another cop.

15 Q. Is there a reason for that?

16 A. It's just an honor code amongst
17 cops.

18 Q. An honor code amongst cops?

19 A. Yes, sir.

20 Q. Under any circumstances?

21 A. Absolutely.

22 Q. Be it truthful or not?

23 A. Absolutely.

24 Q. Okay. Do you remember I asked you

1 about why you were reprimanded --

2 A. Yes, sir.

3 Q. -- and you didn't quite recall the
4 facts?

5 A. Yes, sir.

6 Q. After going through what you
7 described a few minutes ago, does that jog
8 your memory at all?

9 A. Yes.

10 Q. Can you tell me why you were
11 reprimanded?

12 A. I guess they felt that I called
13 Saundra Russell a -- whatever allegations
14 they said.

15 Q. What names? What did you call her?

16 A. I didn't call her anything.

17 Q. All right. Did you ever tell Keith
18 that you called her something?

19 A. No.

20 Q. Did you ever tell Billy that you
21 called her something?

22 A. No, sir.

23 Q. Did you ever tell anyone that you
24 called her something?

1 A. No.

2 Q. Okay. Not even Lieutenant
3 Spangler?

4 A. No.

5 Q. Okay. I'm going to ask you if you
6 have ever used some of these words that I'm
7 getting ready to say.

8 Have you ever used the following
9 words either at work or outside of work,
10 either when you're serious or just joking
11 around.

12 "Cunt," have you ever used that
13 word?

14 A. No.

15 Q. Have you ever used the word
16 "bitch"?

17 A. No.

18 Q. Have you ever said the word
19 "fucking"?

20 A. No.

21 Q. Have you ever used the word "dick"?

22 A. No.

23 Q. Have you ever used the word
24 "asshole"?

1 A. Yes.

2 Q. Okay. And in what context did you
3 use the word asshole?

4 A. Just saying, "This person is an
5 asshole."

6 Q. All right. Do you use that word
7 when you're talking to your wife?

8 A. Meaning?

9 Q. Asshole.

10 A. Like calling her an asshole or
11 saying, "This person is an asshole," or
12 somebody is an asshole?

13 Q. Just have you ever used the word
14 talking to your wife?

15 A. Absolutely.

16 Q. How about your children?

17 A. No, I don't curse in front of my
18 son.

19 Q. Okay. Why not?

20 A. I just don't.

21 Q. You don't curse in front of your
22 son.

23 Is there a reason why you don't
24 curse in front of your son?

1 A. I just don't feel I need to curse
2 in front of my son. He's my son.

3 Q. Okay.

4 A. If I curse in front of my wife is a
5 different thing, or friends, but my son is
6 my son.

7 Do you curse in front of your son,
8 sir, or your daughter?

9 Q. Excuse me, sir, I'm asking the
10 questions here today. I just asked you
11 why.

12 A. Okay.

13 Q. Now, when did the incident that you
14 told me about with the bike and the flat
15 tire and going into Lieutenant Russell's
16 office -- or Sergeant Russell at the time,
17 I believe, right?

18 A. Yes.

19 Q. Do you remember what month and year
20 that occurred?

21 A. In 2005. I'm not sure of the
22 month. I know it was 2005.

23 Q. Was it the spring, summer, winter
24 or fall?

1 A. I'm not sure exactly.

2 Q. All right. Now, this matter with
3 you and Lieutenant Russell was
4 investigated, correct?

5 A. Yes, sir.

6 Q. Okay. Do you know who gave
7 statements in this investigation?

8 A. I believe Officer Sadowski,
9 Campbell and Sergeant Russell at the time.
10 I'm not exactly sure of the rest. I think
11 there might have been a couple other
12 people, if I'm not mistaken.

13 Q. Who did the investigations?

14 A. I don't know if it was internally
15 or Internal Affairs.

16 Q. Okay. Did your immediate
17 supervisor investigate?

18 A. I don't remember.

19 Q. Who was your lieutenant at the time
20 of this investigation?

21 A. Edward Spangler.

22 Q. Did Edward Spangler investigate?

23 A. Honestly, I don't know if he
24 investigated or Internal Affairs

1 investigated it.

2 Q. Did he ever talk to you about it?

3 A. I don't remember.

4 Q. Did you ever talk to him about it?

5 A. Honestly, I don't remember that.

6 Q. Who was the supervisor of
7 Lieutenant Spangler at the time?

8 A. It was Captain -- I think it might
9 have been Captain Jim Kelly, James Kelly.

10 Q. All right. Did you talk to the
11 captain about this incident with Sergeant
12 Russell?

13 A. I don't believe so.

14 Q. Did the captain talk to you?

15 A. I don't believe so. I don't
16 remember.

17 Q. Did you ever have any proceedings
18 with, I think they call it, a Police Board
19 of Inquiry, a PBI?

20 A. Yes, I had a PBI. Yes.

21 Q. Okay. Did you participate in that?

22 A. Yes.

23 Q. Did you give testimony in that?

24 A. Yes.

1 Q. Okay. Do you remember what they
2 accused you of saying?

3 A. It was calling Sergeant Russell
4 some names or whatever. She -- there was a
5 couple of different things. I don't
6 remember.

7 Q. You don't remember the names?

8 A. Not off the top of my head, no.

9 Q. And you got suspended for
10 the -- you got reprimanded for this, but
11 you don't remember the names?

12 A. Yeah, reprimanded, not suspended.

13 Q. Okay. And were there any other
14 investigations in this matter besides the
15 PBI?

16 A. For that incident?

17 Q. Yes.

18 A. Not that I recall.

19 Q. And what were the results of the
20 PBI?

21 A. I got a reprimand.

22 Q. Okay. And do you remember what the
23 reprimand said?

24 A. No, I don't remember what it said.

1 I didn't get suspended.

2 Q. What happens when you get a
3 reprimand in the police department?

4 A. It just goes on your file.

5 Q. Okay. Do you know if anything
6 happened to Keith and Billy after they
7 testified against you?

8 A. Not that I know of.

9 Q. Did you hear of anybody leaving a
10 "rat note" in the locker room?

11 A. I heard of an incident of that. I
12 don't know who did it.

13 Q. Okay. Tell me what you know about
14 that, what you heard about that.

15 A. I just heard there was a thing left
16 in one of their lockers.

17 Q. Okay. Did that surprise you?

18 A. Yeah, at the time. Yes.

19 Q. All right. Do you ever use
20 Facebook?

21 A. Yes, sir.

22 Q. Okay. Did you ever -- do you have
23 an account now?

24 A. No.

1 Q. You don't?

2 A. No.

3 Q. When did you have an account for
4 Facebook?

5 A. I had it for a while.

6 Q. Okay. Did you have an account with
7 Facebook in 2011?

8 A. Yes, sir.

9 Q. Did you have one in 2013?

10 A. Yes, sir.

11 Q. Okay. I'm going to show you this
12 document here.

13 MR. McDUFFY: I'm going to
14 give one to the reporter and ask it
15 to be marked Dial Plaintiff's
16 Exhibit No. 1.

17 (At this time, a document
18 was marked for identification as
19 Exhibit No. Dial Plaintiff 1.)

20 BY MR. McDUFFY:

21 Q. Take a look at that, please.

22 A. (Witness complies.)

23 Q. Have you read the second page?

24 A. Yes.

1 Q. Do you recognize those Facebook
2 postings?

3 A. Oh, yeah.

4 Q. Okay. Is that your picture? There
5 is a picture of a man in the upper --

6 A. Absolutely, yes.

7 Q. That's you?

8 A. Yeah.

9 Q. Okay. And that's you on the first
10 page and that's you on the second page,
11 right?

12 A. Yes, sir.

13 Q. All right. Did you send these
14 messages to Keith?

15 A. Yes.

16 Q. Okay. I'm going to ask you to read
17 it. Read it out loud, please.

18 MS. SHIELDS: I think the
19 document speaks for itself.

20 MR. McDUFFY: You telling
21 him not to do it?

22 MS. SHIELDS: I'm not
23 instructing him not to do it, but I
24 think it speaks for itself and I

1 wanted the record to reflect that.

2 Go ahead.

3 THE WITNESS: All right.

4 "Keith, before you delete this,
5 please give it a minute to hear
6 what I have to say."

7 "The past year has been
8 trying for me. I've had some
9 health problems, but that's besides
10 the point. It has given me a total
11 different outlook on life. A few
12 years back an incident happened
13 that I'm sure it put you and
14 Campbell in a situation where I'm
15 sure you had" -- "I'm sure it had
16 two" --

17 MS. SHIELDS: Take your
18 time.

19 THE WITNESS: Okay. "I'm
20 sure you two had your hand
21 tied" -- I guess it's supposed to
22 be "hands tied."

23 "When you guys testified
24 against me was a day that I thought

1 that I would never see and to be
2 honest with you it pissed me off
3 and I hated yous both at the time
4 and have for a long time. But you
5 know, looking back yous guys did
6 the right thing and I don't fault
7 you for that. I admire you both."

8 "Anyway, I just wanted to
9 let you know that I have no hard
10 feelings. Being sick the past year
11 has made me think about life. Life
12 is too short for me being
13 bullheaded. And you know that I
14 can be a big dick and an asshole."

15 "Hopefully you read this
16 and accept my apology for the way I
17 acted. I know I lost a good friend
18 over something stupid that
19 happened."

20 "Okay. I'm sure I bored
21 you enough. Okay. Let me let you
22 go."

23 "Oh, yeah, congrats. I
24 heard you had a few kids, maybe

1 one. I'm not too sure, but I
2 definitely know one. Okay. I'm
3 rambling on. Take care. Be safe
4 out there."

5 BY MR. McDUFFY:

6 Q. All right. And what's the date on
7 that?

8 A. The date is October 17, 2011.

9 Q. Okay. Please read the next one.

10 A. "Hey Keith, before you delete this,
11 please take a second to read it and hear me
12 out. It's been a lot of years since we
13 have seen each other and talked."

14 "I wanted to first start off by
15 apologizing. Over the year I've been a
16 dick. I admit that the whole situation
17 that happened back in '05 was just so
18 crazy, I know things could never be the
19 same as being best friends or friends,
20 period. I'm not really sure what your
21 feelings are towards me. I just wanted to
22 get this off of my chest."

23 "I did send you a message a long
24 while ago on Facebook. I'm not sure if you

1 got it, but I just wanted to make another
2 attempt. I sure hope all is well with
3 yourself and your family. Take care and be
4 safe."

5 And that was July 11, 2013.

6 Q. Okay. Let's go back to the first
7 page. You mentioned here in your second
8 sentence, and I quote, "It has given me a
9 total different outlook on life."

10 What did you mean by that sentence?

11 A. I have cancer and you think about a
12 lot of things when you're only given eight
13 months to live and you're scared to go to
14 sleep at night not knowing if you're going
15 to wake up and you look at things a hell of
16 a lot different than a normal person would.

17 Q. All right. What did you mean in
18 the next sentence when you said, "I'm sure
19 you had your hands tied"?

20 A. Being called to testify against a
21 friend and being put on the stand and I
22 don't know if you were forced to do
23 something or not forced to do something,
24 and you know, do what you got to do and

1 testify. I'm sure he had a hard time doing
2 it.

3 Q. Okay. Further down you say, "But
4 you know, looking back you guys did the
5 right thing and I don't fault you for that.
6 I admire you both."

7 What did you mean by that?

8 A. Because if they didn't testify, I
9 don't know what kind of repercussions would
10 have happened. If they would have lied or
11 not lied or told the truth or not told the
12 truth, I don't know what would have
13 happened if they didn't -- if they didn't
14 cooperate with the investigation.

15 Q. Okay. What did you mean by "the
16 right thing"?

17 A. They testified. They could have
18 said nothing and just sat there.

19 Q. All right. Now, you said you were
20 friends with Keith for a long time, right?

21 A. Absolutely.

22 Q. Okay. Do you know him to be an
23 honest man?

24 A. Yes, sir.

1 Q. Okay. So what did you mean when
2 you called yourself -- you said, "You know
3 that I can be a big dick and an asshole."

4 What did you mean by that?

5 A. Officer Sadowski knows what that
6 means. I mean, I can be a total prick.
7 How can I put this? Not talking to
8 somebody, just -- I don't know how I can
9 explain it.

10 Honestly, I don't know how I can
11 explain it. Just how you act towards
12 somebody.

13 Q. Okay. And how you act towards
14 somebody, what about how you act towards
15 somebody makes you a dick, a big dick you
16 said?

17 A. Like, it was obvious that he knew
18 that I didn't like him. "Hey, Keith. Hey,
19 buddy. How you doing," you know, knowing
20 somebody don't like you; that's being a
21 dick. I mean, that's my perception of it.

22 And he knows what I'm talking about
23 because Keith has a personality that, you
24 know, he can come off as being a dick or an

1 asshole. I'm not saying he is, but you
2 have that -- if you have that personality
3 where you know somebody who don't like you,
4 and you know, "Hey, buddy. How you doing?
5 How's the family," and you know that -- you
6 damn well know that you really don't mean
7 it.

8 Q. Okay. Can you describe some of the
9 behaviors that you have that you know
10 you've done that would cause you to label
11 yourself as "a big dick"?

12 A. I just went over it with you. I
13 just said it.

14 Q. And that's the only thing you've
15 done?

16 A. Yes, sir.

17 Q. Okay. So how does that translate
18 to you losing your friendship with Keith?
19 Can you explain that?

20 A. At the time, you know, I disliked
21 or hated him for testifying against me over
22 that situation. Like I said, you don't
23 testify against another cop. And you know
24 what, I look back and I feel bad that our

1 friendship went to hell because we had a
2 good friendship. We grew up together, and
3 you know, it's -- you know, you lose a good
4 friendship like that is terrible.

5 Q. And you asked him to accept your
6 apology for the way you acted in a sentence
7 in here, right?

8 A. Yes, sir. Life is too short
9 especially in my situation.

10 Q. Okay. And then you say, "I now
11 know I lost a good friend over something
12 stupid that happened."

13 What was something stupid that
14 happened?

15 A. Him testifying against me.

16 Q. In your mind that's stupid?

17 A. Yes.

18 Q. Okay. Let's look at the second
19 page. In the middle of your Facebook
20 message here you say, "The whole situation
21 that happened back in 2000" -- correction,
22 I'm sorry, strike that -- "the whole
23 situation that happened back in '05 was
24 just so crazy," and then you have a comma.

1 What did you mean by that?

2 A. Just the whole -- the whole
3 situation, him testifying, Officer Campbell
4 testifying. It was just a crazy situation.

5 Q. Why was it crazy?

6 A. Just the whole nonsense of it.

7 Q. Why was it nonsense?

8 A. It was just crazy that he had to
9 testify against me. There is nothing else
10 more to it. It was just crazy. It's just
11 like this crazy weather out, you know,
12 it's...

13 Q. What's crazy about the weather?

14 A. It's cold and it's, you know,
15 springtime. I got to wear -- I got to put
16 a blanket on at nighttime. I should have
17 my air on.

18 Q. Okay. Do you know an officer with
19 the last name of Schweizer?

20 A. Yes, sir.

21 Q. Do you know about the incident he
22 was involved with with some postings in his
23 locker?

24 A. Yes, sir.

1 Q. Okay. Tell me what you know about
2 that.

3 A. Apparently, he had a picture in his
4 locker that was distasteful.

5 Q. Do you know what the picture was?

6 A. If I can remember back, it was a
7 police officer half in Klansman and half in
8 a police officer's uniform.

9 Q. Was there any writing on it?

10 A. I think it said, "Blue by day.
11 White by night."

12 Q. Okay. And where was this poster?

13 A. From what I heard, it was inside of
14 his locker.

15 Q. Okay. Is that all you know about
16 that incident?

17 A. Yes.

18 Q. Okay. Were you ever -- was there
19 an investigation conducted about that?

20 A. Yes.

21 Q. Okay. Do you know how many
22 officers were asked questions about that
23 incident?

24 A. That I couldn't tell you. I know

1 there were multiple people.

2 Q. Were you ever part of the
3 investigation?

4 A. Yes, sir.

5 Q. All right. And who did you testify
6 to?

7 A. What did I testify to?

8 Q. Yes.

9 A. I went to an arbitration.

10 Q. Okay. Were you ever
11 questioned -- okay.

12 When did this happen?

13 A. I believe it was in '08.

14 Q. Okay. And where were you assigned
15 when that happened?

16 A. Narcotic Strike Force.

17 Q. Okay. And how long after this
18 investigation did you leave the Narcotic
19 Strike Force?

20 A. I got reassigned in March.

21 Q. Okay. And that was after this
22 investigation happened, right?

23 A. Yes.

24 Q. Okay. Did you receive any

1 punishment?

2 A. Yes, I got 20 days' suspension.

3 Q. Do you remember what for?

4 A. Yes, 111 and 112. Lying under
5 police investigation. Failure to cooperate
6 during a police investigation. I think
7 there was a few other ones. I can't
8 remember off the top of my head.

9 Q. All right. How did they say you
10 lied?

11 A. They said I wasn't telling the
12 truth.

13 Q. Okay. Do you remember what they
14 asked you about?

15 A. I remember they asked me about the
16 picture. I can't tell you the exact
17 questions they asked.

18 Q. Okay.

19 MS. SHIELDS: For the
20 record could we just clarify, who
21 is "they"?

22 MR. McDUFFY: Good point.
23 Thank you.

24 BY MR. McDUFFY:

1 Q. Let me just rephrase that. Were
2 you ever questioned about it by your
3 supervisors?

4 A. Yes.

5 Q. Who was your supervisor at the
6 time?

7 A. My supervisor at the time was
8 Lieutenant Smith, who is actually Captain
9 Smith now.

10 Q. Okay. Did Lieutenant Smith, now
11 Captain Smith -- did his supervisor ever
12 question you about it?

13 A. Yes.

14 Q. Who was that person?

15 A. It was -- I believe it was
16 Lieutenant Hagg, H-A-G-G. I don't know his
17 badge number off the top of my head.

18 Q. Okay. Did anyone else in your
19 police department chain of command ask you
20 about that note in Schweizer's locker?

21 A. Yes, Internal Affairs. Actually
22 Impact, part of Internal Affairs.

23 Q. Okay. Do you remember who
24 questioned you about that from Internal

1 Affairs?

2 A. It was Lieutenant -- I can't think
3 of his last name off the top of my head.
4 It was a lieutenant from Internal Affairs.

5 Q. Can you remember what those three
6 people you just talked about, the
7 lieutenant from Internal Affairs, the
8 captain, Lieutenant Hagg and your other
9 lieutenant, Smith I believe you said, what
10 did they ask you? Do you remember what
11 they asked you?

12 A. I don't know the direct questions.

13 Q. In general?

14 A. Like I said, I don't know direct
15 questions that he asked me. If you can
16 refresh my memory, that would be fine.

17 Q. That's fine. Did any police
18 officers that you know of give testimony
19 against you in that investigation?

20 A. I believe it was Officer Villata.

21 Q. And how do you know him?

22 A. We were partners.

23 Q. Okay. And how long were you
24 partners?

1 A. I think a year and a half.

2 Q. Okay. And how did the partnership
3 end?

4 A. It wasn't too bad. We're friends
5 now. I actually just talked to him the
6 other night.

7 Q. Okay. That's good. But how did
8 the partnership end?

9 A. It was rocky for a while.

10 Q. Okay. Did he ask to not be your
11 partner anymore?

12 A. That I'm not sure.

13 Q. Okay. You said it was "rocky."
14 Why was it rocky?

15 A. Like I said, he testified against
16 me. I felt that it was wrong.

17 Q. Okay. You said he was your friend
18 before when you were partners, right?

19 A. Yeah. And we're in the same
20 motorcycle club.

21 Q. Okay. And he's your friend now,
22 right?

23 A. Yes.

24 Q. Okay. Is he an honest man?

1 A. I believe everybody to be honest.

2 Q. Is that a "yes"?

3 A. Yes, I'm sorry. Yes.

4 Q. Okay. Do you remember what he said
5 during the investigation when he testified
6 against you?

7 A. No, I don't know.

8 Q. And what happened to you as a
9 result of that investigation?

10 A. Like I said, I got 20 days'
11 suspension.

12 Q. Did you appeal it?

13 A. No, I was informed that I couldn't
14 appeal because it was an arbitration.

15 Q. Okay. So you got suspended and
16 then you went to arbitration?

17 A. It was the arbitration hearing.

18 Q. The arbitration hearing?

19 A. Yes.

20 Q. Okay. And did you have a lawyer
21 during the arbitration hearing?

22 A. Yes.

23 Q. And did the lawyer go over
24 documents with you to get you ready for the

1 arbitration?

2 A. I believe so, yes.

3 Q. Okay. And during the arbitration,
4 did your lawyer tell you that
5 Officer -- Officer Who, Vilaca (ph)?

6 A. Villata.

7 Q. Villata?

8 A. Yes.

9 Q. Did your lawyer tell you that this
10 guy testified against you and this is what
11 he said?

12 A. He was there when I testified -- I
13 was there when he testified at the
14 arbitration, yes.

15 Q. Okay. So I'm going to ask you
16 again, what did he say about you at the
17 arbitration when he gave his testimony that
18 caused your relationship to get rocky?

19 A. Like I said, I don't remember
20 exactly word for word what he said, like, I
21 don't remember what he said. Like I said,
22 he testified against me and I have a hard
23 feeling when somebody testifies against
24 another cop.

1 Q. Okay. You don't remember the exact
2 words but what was the nature of it? What
3 did he -- what kinds of things did he say?

4 A. Like I just said, I don't know. If
5 you have something that can refresh my
6 memory, let me read it. And if it
7 refreshes my memory, that's fine, but I
8 can't say what he testified to.

9 Q. You remember none of it?

10 A. No, sir.

11 Q. Not a word?

12 A. No, I don't.

13 Q. Okay.

14 A. Is it funny?

15 MS. SHIELDS: Calm down.

16 Do you need a break?

17 THE WITNESS: No, I'm
18 fine.

19 BY MR. McDUFFY:

20 Q. Okay. Did he say that you knew
21 anything about the Schweizer incident with
22 the poster of the half cop/half Klansman in
23 the man's locker?

24 A. Yes. Now that refreshes my memory,

1 sir. Yes.

2 Q. Okay. All right. So that's what
3 he said?

4 A. Yes.

5 Q. Okay. Did anyone else besides
6 Officer Villata -- you said his name is
7 Villata?

8 A. Villata, yes.

9 Q. Did anyone else give any
10 information that implicated you with that
11 picture of the Klansman and the cop in the
12 man's locker?

13 A. His wife.

14 Q. Okay. Do you remember what she
15 said?

16 A. That I don't remember. No, sir.

17 Q. Is what she said -- is what she
18 said -- did it implicate you as having some
19 knowledge about the poster in that man's
20 locker, in Schweizer's locker?

21 A. I think that's what she testified
22 to. Like I said, I don't remember off the
23 top of my head.

24 Q. And you were there, right, in the

1 arbitration?

2 A. Yes, I was.

3 Q. Okay. And this happened in 2008?

4 A. Yes.

5 Q. And the other incident we have
6 before we talked about with the -- what you
7 described with the bike and fixing the tire
8 and all of that stuff, that happened in
9 2005, right?

10 A. Yes.

11 Q. Okay. Now, what punishment did you
12 receive when you were -- when you left the
13 Narcotic Strike Force?

14 A. I got suspended for 20 days.

15 Q. With or without pay?

16 A. Without pay.

17 Q. Okay. And I believe you said that
18 the charges were making a false statement?

19 A. Making false statement, failure to
20 cooperate during police investigation. I
21 think there might have been a few other
22 ones. I know 111 and 112.

23 Q. Okay. And the other one, that was
24 2008, right?

1 A. Yes, the locker incident. Yes,
2 sir.

3 Q. Okay. And the other time you were
4 disciplined was in 2006, you said?

5 A. 2005.

6 Q. 2005.

7 A. That's when the alleged incident
8 happened. In 2006, is when the PBI was.

9 Q. Have you ever gotten any other
10 discipline letters in your file or
11 anything?

12 A. Not that I think of off the top of
13 my head, no.

14 Q. Okay. Did you ever take a look at
15 those signs that were in Schweizer's
16 locker?

17 A. Yeah, at the arbitration they
18 showed me pictures. And I believe during a
19 couple of the interviews, yes, they showed
20 me pictures.

21 Q. Okay. Were you ever asked if you
22 thought they were offensive?

23 A. Yes.

24 Q. What did you answer?

1 A. Yes, I thought they were
2 distasteful.

3 Q. Okay. And you said that every time
4 you were asked?

5 A. I believe so, if I'm not mistaken.

6 Q. Okay. And why did you find them
7 distasteful?

8 A. Well, I guess because if a Klans
9 member in Klan uniform, or whatever you
10 want to call it, is in a police officer's
11 uniform.

12 Q. What do you think that picture
13 meant?

14 A. Oh, I don't know what it meant.

15 Q. Okay. What does a clansmen
16 represent to you?

17 A. Basically, hatred towards a lot of
18 different races.

19 Q. Okay. And what does a cop
20 represent to you?

21 A. Law enforcement.

22 Q. Okay. And the picture had one half
23 the Klansman and one half the cop, right?

24 A. Yes, sir.

1 Q. Okay. Did those combined images
2 mean anything to you?

3 A. No.

4 Q. Okay. But the Klansman means
5 hatred and the cop means law?

6 A. Okay.

7 Q. Okay. What happened to Officer
8 Schweizer after this investigation about
9 the Klansman and the cop?

10 A. He got a 20-day suspension and
11 transferred out of Narcotics well.

12 Q. Okay. Let me ask you a couple more
13 questions about that.

14 Officer Villata was your partner,
15 right?

16 A. Yes, sir.

17 Q. Okay. Did you and he have any
18 conversations about this Klan and the cop
19 diagram when it first -- when it first
20 became known?

21 A. Not that I recall.

22 Q. He never mentioned it to you?

23 A. Like I said, not that I recall.

24 Q. You never talked about it in the

1 squad car?

2 A. Like I just said, not that I
3 recall.

4 Q. Okay. Were you surprised that
5 Officer Villata came forward with this
6 information?

7 A. Oh, yeah.

8 Q. Were you surprised that his wife
9 came forward with her information?

10 A. I mean, I have no idea why she
11 would. I only met the woman a few times.

12 Q. Well, why do you think that Officer
13 Villata would say those things about you?

14 A. I don't know. It's your job to ask
15 him. I don't know.

16 Q. Say that again.

17 A. It's your job to ask him. I don't
18 know. I have no idea.

19 Q. Oh, I will.

20 A. That's fine.

21 Q. Okay. But he's an honest man,
22 right?

23 A. Like I said earlier, yes.

24 Q. Okay.

1 MR. McDUFFY: Excuse me
2 just one second. I want to confer
3 with counsel.

4 (At this time, a
5 discussion was held off the
6 record.)

7 MR. McDUFFY: I have no
8 further questions.

9 - - -

10 CROSS-EXAMINATION

11 - - -

12 BY MR. SCUDERI:

13 Q. Officer, your code of conduct, you
14 said you've never testified against another
15 police officer; is that correct?

16 A. Yes.

17 Q. Okay. Is that also true if you saw
18 another officer commit a crime?

19 A. Honestly, sir, I don't know what I
20 would do.

21 Q. Okay. So you're not sure about
22 your code of conduct about testifying
23 against other officers?

24 A. Like I said, I don't know what I

1 would do.

2 Q. In 2008, you said you were
3 suspended for the locker incident; is that
4 correct?

5 A. Suspended and transferred, yes.

6 Q. And you were transferred.
7 That's why you were transferred?

8 A. Yes, sir.

9 Q. Okay. The incident about which
10 we're here today, that occurred in 2005; is
11 that correct?

12 A. Yes.

13 Q. And what is your understanding
14 about the allegation for the bases of why
15 you had the hearing in 2006?

16 A. I supposedly called Sergeant
17 Sadowski, at the time, I guess, names.

18 Q. Well, what names did you allegedly
19 call her?

20 A. I guess the "C" word and the "B"
21 word.

22 Q. Okay. And you went to a hearing
23 about this, correct?

24 A. Yes, sir.

1 Q. Okay. And were you specifically
2 asked whether you used those words to -- or
3 whether you called her those words?

4 A. Yes.

5 Q. And did you say that you did not
6 call her those words?

7 A. That's correct.

8 Q. Okay. And were you present when
9 Officer Sadowski testified?

10 A. Yes, sir.

11 Q. Okay. And do you recall what
12 Officer Sadowski said that you said about
13 Sergeant Russell, as far as using those
14 words?

15 A. Not off the top of my head, no.

16 Q. Well, do you recall the nature of
17 what he said about what you said to Officer
18 Russell?

19 A. No.

20 Q. Well, when you -- you wrote this
21 e-mail in 2011; is that correct?

22 A. Yes.

23 Q. Okay. And that's on page one. And
24 when you wrote this e-mail, do you know if

1 you were under -- you were taking any kind
2 of medication that would prevent you from
3 remembering what you said?

4 A. Meaning what? What do you mean
5 remember what I said?

6 Q. Well, in 2011, you wrote this
7 e-mail; is that correct?

8 A. Yes.

9 Q. And these are your words?

10 A. Yes.

11 Q. Okay. And halfway down the page, I
12 believe the words appears, "when you guys
13 testified against me."

14 A. Okay.

15 Q. Do you see that?

16 A. Yes.

17 Q. And I believe you testified to
18 Mr. McDuffy and you said, "when you guys
19 testified against me."

20 So as you sit here today, do you
21 have a recollection that Officer
22 Sadowski -- and you were addressing this
23 e-mail to Officer Sadowski -- testified
24 against you; is that correct?

1 A. Yes.

2 Q. Okay. And now, does that mean that
3 he contradicted what you said at the
4 hearing?

5 A. What do you mean?

6 Q. Well, you said that he testified
7 against you.

8 Can you tell me what testifying
9 against you means?

10 Does that mean that they said
11 something which contradicted what you said?

12 A. I didn't say anything.

13 Q. You didn't say anything?

14 A. No.

15 Q. Okay. Well, do you know if they
16 testified in a matter against what you
17 allegedly said?

18 A. That's better, yes.

19 Q. Okay. So you were accused of
20 calling Officer Russell the "C" word and
21 the "B" word; is that correct?

22 A. Sergeant Russell, yes.

23 Q. Sergeant Russell.

24 Okay. And you saw Officer Sadowski

1 testify; is that correct?

2 A. Yes.

3 Q. All right. And is it your
4 recollection that Officer Sadowski said
5 that you did call Russell the "C" word and
6 the "B" word?

7 A. From his testimony, yes.

8 Q. You were present when he testified;
9 is that correct?

10 A. Yes.

11 Q. And you heard his testimony?

12 A. Yes.

13 Q. And you said he testified against
14 you in this e-mail here -- or the Facebook
15 message?

16 A. Um-hmm.

17 Q. Is that correct?

18 A. Yes.

19 Q. So it's my understanding
20 that -- you tell me if it's your
21 understanding that he testified in a manner
22 which was inconsistent with what you said?

23 A. Yes. Which I didn't say, yes.

24 Q. Okay. Sir, I'm not saying you said

1 it, but Officer Sadowski said that you
2 called Sergeant Russell, or used the
3 words -- the "C" word and the "B" word; is
4 that correct?

5 A. That's correct.

6 Q. Sir, when you say halfway down,
7 "when you guys," "guys" refers to Sadowski
8 and Campbell; is that correct?

9 A. Yes.

10 Q. And when you say "testify," you
11 mean at the hearing; is that correct?

12 A. Yes.

13 Q. Where you were present?

14 A. Yes.

15 Q. And when you say "against me," it
16 means that he was saying that you did
17 actually use those words against Sergeant
18 Russell; is that correct?

19 A. That I did use them?

20 Q. Sadowski said that you did those
21 words; is that correct?

22 A. Yes.

23 Q. All right. So he said
24 something -- he said that you said

1 something, which you say you didn't say; is
2 that correct?

3 A. That's correct, sir.

4 Q. So it's your testimony today that
5 he lied at the hearing?

6 A. Yes.

7 Q. He lied at the hearing, correct?

8 A. Yes.

9 Q. Okay. Now, further down in the
10 e-mail you said a few lines down, "But you
11 know what, looking back you guys did the
12 right thing."

13 Now, when you used the phrase "the
14 right thing," does right thing mean to tell
15 the truth?

16 A. That they testified.

17 Q. I understand that. You said that
18 before.

19 I'm asking you, you used -- you
20 wrote this Facebook message, correct?

21 A. Yes, sir.

22 Q. And you used the words "the right
23 thing"?

24 A. Yeah. And like I just said,

1 testified --

2 Q. Testified and --

3 A. Testified against me.

4 Q. Testified and lied under oath.

5 You're saying they did the right
6 thing by lying under oath against you? Is
7 that what your testimony is?

8 A. Yes, sir.

9 Q. Is that what you're saying?

10 A. Yeah, that they lied.

11 Q. And you're saying that you don't
12 fault them for lying?

13 A. That's correct.

14 Q. Okay. And next you say, "I admire
15 you both."

16 Are you saying that you admire them
17 for lying under oath against you --

18 A. For them testifying.

19 Q. -- or are you saying that you lied
20 at the hearing and they did the right thing
21 by telling the truth?

22 A. You're not putting words in my
23 mouth, sir. You know, don't try to twist
24 this up. I'm telling you what I said.

1 Q. Okay. Well, you said, "I admire
2 you both."

3 A. Yeah, because they testified. Yes.

4 Q. Testified truthfully or just
5 because they testified?

6 A. Just because they testified, yes.

7 Q. So you're saying that -- well,
8 isn't that against your code of conduct?

9 A. Yeah.

10 Q. So you're saying here that you
11 admire them for breaking your personal code
12 of conduct; is that correct?

13 A. Because if they didn't testify,
14 they probably would have gotten the same
15 thing. They probably would have got
16 reprimanded, you know, suspended,
17 transferred.

18 Q. Okay. On the second page of your
19 Facebook message towards the top it says,
20 "I wanted to first start off by
21 apologizing."

22 Apologizing for what?

23 A. Then it says right after, being a
24 dick.

1 Q. It's just before that. It says, "I
2 wanted to first start off by apologizing."

3 Do you see that on the page?

4 A. Yeah, I see it.

5 Q. Okay. And you said, "I have been a
6 dick," but what are you apologizing for?

7 A. Just being -- you know, hating
8 them.

9 Q. Hating them?

10 A. Yes, sir.

11 Q. Okay. But do you normally
12 apologize to somebody who lies about you?

13 A. Well, like, I said before -- I
14 forget your name, sir. I apologize for
15 that. But when you have cancer and you're
16 only given so much time to live, you
17 rethink old friendships, new friendships,
18 if you hate somebody. God don't like that,
19 and I'm not going to my grave of hating
20 people.

21 Q. I understand that.

22 A. Apparently you don't understand
23 because you're questioning me about it.

24 MS. SHIELDS: Answer his

1 questions.

2 THE WITNESS: Sorry.

3 BY MR. SCUDERI:

4 Q. Is it your testimony today that
5 your friend, Officer Sadowski, lied at that
6 hearing about what you said?

7 A. Yes, sir.

8 Q. And did Campbell lie about what you
9 said?

10 A. Yes.

11 Q. And in the incident in 2008, did
12 the other officer lie about what you did?

13 A. What do you mean, what I did?

14 Q. Well, do you think that you were
15 unjustly transferred out of Narcotics in
16 2008?

17 A. Absolutely.

18 Q. Okay. And you deny that
19 accusation, also?

20 A. The accusation of what?

21 Q. Well, whatever you supposedly did
22 in 2008 while on the force?

23 A. I didn't do nothing in 2008.

24 Q. Well, you were accused of doing

1 something; isn't that correct?

2 MS. SHIELDS: For the
3 record could we just clarify, are
4 you talking about the arbitration
5 and the Klansman?

6 MR. SCUDERI: Yes, yes.

7 MS. SHIELDS: I just want
8 to clarify for the record --

9 MR. SCUDERI: Yes.

10 MS. SHIELDS: -- that's
11 what he's talking about.

12 MR. SCUDERI: Yes.

13 BY MR. SCUDERI:

14 Q. Okay. You were accused of some
15 improper things in 2008 involving
16 the -- we'll call it "the locker incident";
17 is that correct?

18 A. Yes.

19 Q. And you testified about what
20 happened with the locker incident and
21 somebody else -- another officer
22 testified -- we'll call it, inconsistently
23 with what he said?

24 A. Yeah, I testified that I don't know

1 anything about it.

2 Q. Okay. And what did the other --

3 A. That's my testimony.

4 Q. What did the other officer say?

5 A. Which officers?

6 Q. Well, somebody -- some officer said
7 that you did something wrong as far as that
8 locker; is that correct?

9 A. I think so. I'm not really too
10 sure.

11 Q. Well, do you recall the nature of
12 the accusation about what you did wrong in
13 2008?

14 A. No.

15 Q. You don't know why you were
16 transferred out of Narcotics in 2008?

17 A. Yeah, I was found guilty of failure
18 to cooperate and giving false statements.

19 Q. Well, do you know what the false
20 statement was?

21 A. That they said that I wasn't
22 telling the truth about the -- I guess
23 the -- I guess the picture and what it
24 said.

1 Q. What about the picture? What did
2 they say that you were saying that they
3 concluded -- strike that.

4 I believe you said that they
5 concluded or they found that you made a
6 false statement concerning something to do
7 with a locker; is that correct?

8 A. Yes.

9 Q. Okay. What witness testified that
10 you made that false statement, and what was
11 that false statement?

12 A. That was the lieutenant from
13 Internal Affairs.

14 Q. Okay. And did that lieutenant from
15 the Internal Affairs interview you about
16 the locker?

17 A. Yes. And his testimony was that he
18 felt that I wasn't telling the truth,
19 and --

20 Q. I'm confused about what question.
21 What question did he ask you about,
22 which he said you lied about?

23 MS. SHIELDS: I'm going to
24 object to the form of the question

1 only in terms of that we need to
2 identify "he," "who," "lieutenant."

3 Do you know what I mean?

4 MR. SCUDERI: I
5 understand.

6 Well, the officer from
7 Internal Affairs. I don't recall
8 his name. He may, but I don't
9 think he recalls his name.

10 THE WITNESS: I don't
11 recall his name.

12 MS. SHIELDS: Okay.

13 BY MR. SCUDERI:

14 Q. Okay. But somebody from Internal
15 Affairs asked you a question about it?

16 A. Yes, absolutely.

17 Q. And about the picture in the
18 locker; is that correct?

19 A. Yes.

20 Q. Okay. And what did they ask you
21 about that picture in the locker?

22 A. He asked me, did I know who put it
23 in the locker.

24 Q. Okay.

1 A. And I didn't.

2 Q. Did you say, "No"?

3 A. "No."

4 Q. Okay. And is it your understanding
5 that that was the basis for -- your
6 negative response back that you didn't know
7 was the basis for your reprimand and
8 transfer out of Narcotics?

9 A. Yes.

10 Q. That was your understanding?

11 A. Yes.

12 Q. And basically, in that
13 investigation you said you didn't know who
14 put, we'll call it maybe a racist
15 picture -- would you agree with that as a
16 racist picture?

17 A. Yes.

18 Q. -- a KKK in somebody's locker.

19 So is it correct to say that you
20 did not testify against the officer who had
21 that picture in his locker? You don't know
22 how it got there; is that correct?

23 A. I don't know how it got there.

24 Yes, that's correct.

1 Q. And because of that you were
2 reprimanded and transferred out of there?

3 A. Yes, sir.

4 MR. SCUDERI: Okay. I
5 have no further questions. Thank
6 you.

7 - - -

8 CROSS-EXAMINATION

9 - - -

10 BY MS. SHIELDS:

11 Q. Officer Dial, did you ever hear any
12 other officers refer to former Lieutenant
13 Russell in a derogatory manner?

14 A. Yes.

15 Q. Who?

16 A. Officer Campbell.

17 Q. And what did Officer
18 Campbell -- how did he refer to Lieutenant
19 Russell?

20 A. As Sheneneh.

21 Q. And did he call her any other
22 derogatory names?

23 A. Not that I recall.

24 Q. Officer Dial, did you call Sergeant

1 and now former Lieutenant Russell any
2 derogatory names --

3 A. No.

4 Q. -- in 2005?

5 A. No.

6 Q. Were you insubordinate to her in
7 any manner in 2005?

8 A. No.

9 MS. SHIELDS: I have no
10 further questions.

11 MR. SCUDERI: Nothing
12 more.

13 MR. McDUFFY: I have one
14 more follow-up question.

15 - - -

16 REDIRECT EXAMINATION

17 - - -

18 BY MR. McDUFFY:

19 Q. Okay. Did anyone else refer to
20 Sergeant, later Lieutenant, Russell as
21 Sheneneh?

22 A. No.

23 Q. Just Campbell is the only one you
24 ever heard?

1 A. Yes, sir.

2 Q. Okay. Very well.

3 MR. McDUFFY: Nothing
4 further. Thank you.

5

6 (Witness excused.)

7 (Deposition concluded at
8 11:06 a.m.)

9

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4 CERTIFICATE

5 I HEREBY CERTIFY that the witness was
6 duly sworn by me and that the deposition is a
7 true record of the testimony given by the
8 witness.

9
10 

11 Nicole M. Ludwig, a
12 Professional Court Reporter and
13 Notary Public
14 Date: May 14, 2014
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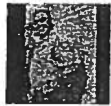
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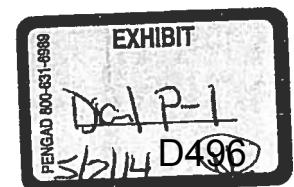
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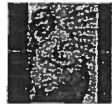
Hey Keith, before you delete this please give it a minute and hear what i have to say. The past year has been pretty trying for me i have had some health problems but that's besides the point, it has given be a total different outlook on life. A few years back a incident happen that I'm sure it put you and Campbell in a situation where I'm sure you two had your hand tied. When you guys testefied against me was a day that i thought i would never see and ill be honest with you it pissed me off and i hated both of you at the time and have for along time now. . But you know what looking back you guys did the right thing and i don't fault you for that. I admire you both. Anyway i just wanted to let you know i have no hard feelings. Being sick the past year made me think about life, life is too short and me being bullheaded and you know that i can be a big dick and asshole. Hopefully you read this and can accept my apology for the way i have acted. I now know i lost a good friend over something stupid that happen. Ok I'm sure i bored you enough



happen. Ok I'm sure i bored you enough
and ill let you go.

Oh yeah congrads i heard you had a few
kids or maybe one not too sure but i
know def. One. Ok I'm rambling on take
care and besafe out there.

Oct 17. 2011



Eric F Dial

Hey Keith before u delete this please
take a second and read this and hear
me out. It's been alot of years since we
have seen each other and talked. I
wanted to first start off by apologizing
over the year I have been a dick I'll
admit that. The whole situation that
happen back in 05 was just so crazy, I
know things could never be the same is
being best friends or friends period. Not
really sure what ur feelings are toward
me. I just wanted to get this off my
chest. I did sen u a message along while
ago on Facebook and sure sure if u got
it but I wanted to make another attempt.
Sure hope all is well with urself and the
family. Take care and besafe.

Jul 11. 2013 · Sent from Mobile

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